

Dominic J. Picca
dpicca@mintz.com
MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO, P.C.
Attorneys for Defendant
The Chrysler Center
666 Third Avenue
New York, New York 10017
Phone: (212) 935-3000
Fax: (212) 983-3115

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GLOBAL IP SOLUTIONS, INC., :
 :
Plaintiff, : 07 Civ. 7631 (DCP)
 :
-- v. -- :
 :
DELTATHREE, INC., : **NOTICE OF MOTION FOR**
 : **PARTIAL SUMMARY JUDGMENT**
Defendant. :
-----X

PLEASE TAKE NOTICE that upon the Defendant's Rule 56.1 Statement of Undisputed Material Facts, the Declaration of Shimy Zimels, dated February 1, 2008, and the exhibits attached thereto, and Defendant's Memorandum of Law in support of its Motion for Partial Summary Judgment, Defendant deltathree, Inc., through its undersigned counsel, will move this Court before the Honorable Donald C. Pogue, Judge for the United States Court of International Trade sitting by designation, at the U.S. Court of International Trade, Courtroom Number 2, on a date to be determined by the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an Order granting partial summary judgment that (1) deltathree's potential liability in this case is limited to \$111,350; (2) if deltathree tenders that amount to Plaintiff, without admitting

liability, the Court will enter final judgment; and (3) Plaintiff's Third Claim, for breach of the implied covenant of good faith and fair dealing, is dismissed as redundant.

Dated: New York, New York
February 5, 2008

MINTZ LEVIN COHN FERRIS
GLOVSKY and POPEO, P.C.

By: 

Dominic J. Picca
Seth R. Goldman

Chrysler Center
666 Third Avenue
New York, New York 10017
(212) 935-3000
Attorneys for Defendant deltathree

To: Luke A. Connelly, Esq.
Edward C. Wipper, Esq.
WINSTON & STRAWN, L.L.P.
200 Park Avenue
New York, New York 10166
Telephone: (212) 294-6700
Facsimile: (212) 294-4700

Jonathan M. Cohen (admitted *pro hac vice*)
Krista M. Enns (application for *pro hac vice* pending)
101 California Street, Suite 3900
San Francisco, CA 94111
Telephone: (415) 591-1000
Facsimile: (415) 591-1400

Attorneys for Plaintiff Global IP Solutions, Inc.